

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

### **Listing of Claims:**

1. – 12 (Cancelled)

13. (Currently Amended) A method for instant messaging in a network communication system including a sending computing device and a receiving computing device comprising:

formulating at the sending computing device a combined message to a recipient, said combined message including a predictive code and a communications message;

establishing a state variable associated with said recipient, the state variable including one or more parameters, wherein said state variable includes a function configured to select code operating at the recipient computing device and the state variable is updated by the selected code, the state variable being stored at the recipient computing device;

transmitting said predictive code and said communications message to a the recipient computing device;

executing the predictive code at the recipient computing system; and

delivering the communications message to the recipient computing system if the predictive code returns a first value and discarding the communications if the predictive code returns a second value.

14. (Previously Presented) The method of claim 13 further including:

transmitting a modifying code to the recipient that causes a persistent state associated with the recipient to be modified.

15. (Cancelled)

16. (Previously Presented) The method of claim 13 wherein said state variable corresponds to one or more aspects of a state of said recipient.

17.-20. (Cancelled)

21. (Previously Presented) The method of claim 13 further including storing a the state variable on a server separate from a recipient.

22. (Previously Presented) The method of claim 13 wherein said code evaluates a state of said recipient.

23. (Previously Presented) The method of claim 22 wherein said a state of said recipient includes whether a messages has been previously received.

24. (Previously Presented) The method of claim 13 further including establishing a security mechanism at a recipient to ensure that code transmitted to, and executed at, a recipient is noninvasive.

25.-28. (Cancelled)